

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY CARTER,

Plaintiff,

v.

**RICHARD FITZGERALD,
ORLANDO HARPER, ALLEGHENY
COUNTY, CITY OF PITTSBURGH,
ALLEGHENY HEALTH NETWORK,
PITTSBURGH POLICE, POLICE
OFFICER JOHN DOE, SGT. JANE
DOE, SGT. JOHN DOE, JOHN DOES
CO's #1-4, CAPTAIN JOHN DOE, DR.
PATCH, JACK DOE, and CHIEF OF
PITTSBURGH POLICE,**

Defendants.

Civil Action No. 23-1913

ORDER

This case has been referred to United States Magistrate Judge Christopher B. Brown for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges. On November 8, 2024, the Magistrate Judge issued a Report (ECF No. 66), in which he (1) recommended that Allegheny County's motion to dismiss be granted in part and denied in part; specifically, it is recommended that the motion be granted as to all official capacity claims against Rich Fitzgerald and Orlando Harper, and that it be granted as to all individual claims against Rich Fitzgerald. The Magistrate Judge further recommends that the motion be denied as to Allegheny County and the individual claims against Orlando Harper; (2) recommended that Allegheny Health Network's motion to dismiss be granted, and (3) recommended that the City of Pittsburgh's motion to dismiss be granted. The Magistrate Judge further recommended that Mr. Carter be granted leave to file an amended

complaint that includes all the allegations and claims he seeks to bring against Allegheny Health Network. Objections to the Report and Recommendation were due by November 25, 2024. As of December 23, 2024, no Objections have been filed. After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of December 2024, it is hereby ORDERED that the Report and Recommendation, ECF No. 66, filed on November 8, 2024, is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED as follows:

I. The Motion to Dismiss filed by Allegheny County, Rich Fitzgerald, and Orlando Harper, ECF No. 34, is DENIED in part and GRANTED in part.

A. The Motion is Denied as to Allegheny County and the Motion is Denied as to the individual claims asserted against Orlando Harper.

B. The Motion is Granted as to all official capacity claims asserted against Rich Fitzgerald and Orlando Harper, and the Motion is Granted as to all individual claims against Rich Fitzgerald. All official capacity claims asserted against Fitzgerald and Harper, and all individual claims asserted against Fitzgerald, are dismissed, with prejudice.

II. The Motion to Dismiss filed by the City of Pittsburgh, the Pittsburgh Police, and the Chief of Pittsburgh Police, ECF No. 40, is GRANTED. All claims asserted against such Defendants are dismissed, with prejudice.

III. The Motion to Dismiss filed by Allegheny Health Network, ECF No. 37, is GRANTED. Plaintiff will be given leave to amend his complaint as to Allegheny Health

Network.

IV. It is further ORDERED that the Clerk of Court is directed to terminate from the docket, the City of Pittsburgh, the Pittsburgh Police, the Chief of Pittsburgh Police, Police Officer John Doe, and Rich Fitzgerald.

V. Leave to amend the Complaint is granted, but only as to claims against Allegheny Health Network. Plaintiff is granted leave to file an amended complaint that includes, all the allegations and claims Plaintiff seeks to bring against Allegheny Health Network, on or before January 30, 2025. If no amended complaint, asserting allegations and claims against Allegheny Health Network, is filed by January 30, 2025, Defendant Allegheny Health Network will be dismissed from this action.

This matter is returned to the Magistrate Judge for further proceedings.

/s/ Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

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